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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,670	02/11/2002	Erik B. Christensen	50037.94USU1/167394.2	4585

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EXAMINER

RIES, LAURIE ANNE

ART UNIT PAPER NUMBER

2176

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding..

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/073,670		CHRISTENSEN ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Laurie Ries		2176	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is responsive to communications: amendment, filed 7 June 2005, to the original application, filed 11 February 2002.
2. The objection to the specification has been withdrawn as necessitated by amendment.
3. The rejection of claims 3 and 18-19 under 35 U.S.C. 112, second paragraph, has been withdrawn as necessitated by amendment.
4. The rejection of claims 11-19 under 35 U.S.C. 101 has been withdrawn as necessitated by amendment.
5. Claims 1-19 remain rejected under 35 U.S.C. 102(a) as being anticipated by Microsoft Corporation, "Draft: Discovery of Web Services (DISCO)" (hereafter referred to as "The DISCO Document").
6. Claims 20-22 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Corporation, "Draft: Discovery of Web Services (DISCO)" (hereafter referred to as "The DISCO Document") and Newell (U.S. Publication 2003/0112270 A1).

7. Claims 1-22 are pending. Claims 1, 11, 17, and 20 are independent claims.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-19 are rejected under 35 U.S.C. 102(a) as being anticipated by Microsoft Corporation, "Draft: Discovery of Web Services (DISCO)" (hereafter referred to as "The DISCO Document").

**As per claim 1**, The DISCO Document discloses a computer-implemented method for identifying metadata about a resource in the form of a Discovery Document which is identified by a first identifier, including issuing a request to get a rendition of the resource identified by the first identifier (See The DISCO Document, Page 2, Section 1, Bullet 2 – sample algorithm), parsing a response document received in response to the issued request (See The DISCO Document, Page 2, Section 1, Bullet 3 – the sample algorithm shows that the response document is parsed to determine the existence of a LINK tag within the content), and, if the response document includes an indication that the metadata exists within a resource identified by a second identifier, retrieving the

metadata from the other resource identified by the second identifier (See The DISCO Document, Page 2, Section 1, Bullet 2 – sample algorithm, line following “Then:”).

**As per claim 2,** The DISCO Document discloses the limitations of claim 1 as described above. The DISCO Document also discloses that the response document includes an XML document and the indication includes an XML processing instruction (See The DISCO Document, Page 3, Section 2, paragraphs 5-7).

**As per claim 3,** The DISCO Document discloses the limitations of claim 2 as described above. The DISCO Document also discloses that the identifier includes a Universal Resource Identifier (See The DISCO Document, Page 3, Section 3, Paragraph 1).

**As per claim 4,** The DISCO Document discloses the limitations of claim 2 as described above. The DISCO Document also discloses that the indication also includes an attribute identifying an “alternate” relation (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm, “rel=’alternate’”).

**As per claim 5,** The DISCO Document discloses the limitations of claim 2 as described above. The DISCO Document also discloses that the indication also includes the second identifier (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm, “href=’U2’”).

**As per claim 6,** The DISCO Document discloses the limitations of claim 1 as described above. The DISCO Document also discloses that the response document includes an HTML document and the indication includes a LINK tag (See The DISCO Document, Page 2, Section1, Bullet 3 – sample algorithm).

**As per claim 7,** The DISCO Document discloses the limitations of claim 6 as described above. The DISCO Document also discloses that the LINK tag also includes an attribute identifying an expected response type of text/xml (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm).

**As per claim 8,** The DISCO Document discloses the limitations of claim 6 as described above. The DISCO Document also discloses that the LINK tag also includes an attribute identifying an “alternate” relation (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm).

**As per claim 9,** The DISCO Document discloses the limitations of claim 6 as described above. The DISCO Document also discloses that the LINK tag also includes the second identifier (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm, “href=’U2’’).

**As per claim 10,** The DISCO Document discloses the limitations of claim 1 as described above. The DISCO Document also discloses that retrieving the metadata from the other location occurs automatically and without further user interaction (See The DISCO Document, Page 2, Section 1, Bullet 2 – sample algorithm).

**As per claim 11,** The DISCO Document discloses a computer-readable medium encoded with a data structure including a discovery document including metadata about a resource stored at a first location identified by a first identifier, the discovery document being stored at a second location identified by a second identifier (See The DISCO Document, Page 2, Section 1, Paragraphs 1-2), the discovery document also including

at least one typed link indicating the existence of further metadata about the resource (See The DISCO Document, Page 2, Section1, Bullet 3 – sample algorithm).

**As per claim 12**, The DISCO Document discloses the limitations of claim 11 as described above. The DISCO Document also discloses that the typed link indicates the existence of a second discovery document and a location of the second discovery document (See The DISCO Document, Page 2, Section 1, Bullet 3 – sample algorithm).

**As per claim 13**, The DISCO Document discloses the limitations of claim 11 as described above. The DISCO Document also discloses that the typed link indicates a link to a Web-based service (See The DISCO Document, Page 4, Section 3, Paragraph 1 and example, line 3).

**As per claim 14**, The DISCO Document discloses the limitations of claim 13 as described above. The DISCO Document also discloses that another typed link indicates a link to a description of the Web-based service (See The DISCO Document, Page 4, Section 3, Paragraph 1 and example, line 3).

**As per claim 15**, The DISCO Document discloses the limitations of claim 11 as described above. The DISCO Document also discloses that the typed link indicates a link to an XML schema (See The DISCO Document, Page 4, Section 3).

**As per claim 16**, The DISCO Document discloses the limitations of claim 11 as described above. The DISCO Document also discloses that the identifier includes a Universal Resource Identifier (See The DISCO Document, Page 2, Section 1, Paragraph 2).

**As per claim 17**, The DISCO Document discloses a computer-readable medium with a data structure including a response document issued in response to a request for a resource, the response document including an indication that a document exists including metadata about the resource (See The DISCO Document, Page 2, Section 1, Paragraph 1).

**As per claim 18**, The DISCO Document discloses the limitations of claim 17 as described above. The DISCO Document also discloses that the response document is an HTML document and the indication includes a LINK tag (See The DISCO Document, Page 2, Section1, Bullet 3 – sample algorithm).

**As per claim 19**, The DISCO Document discloses the limitations of claim 18 as described above. The DISCO Document also discloses that the response document is an XML document and the indication includes an XML stylesheet processing instruction (See The DISCO Document, Page 3, Section 2, Paragraphs 5 and 7).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Microsoft Corporation, "Draft: Discovery of Web Services (DISCO)" (hereafter referred to as "The DISCO Document") in view of Newell (U.S. Publication 2003/0112270 A1).



**As per claim 20**, The DISCO Document discloses a system for communicating data over a network including a client computer configured to issue a request for a resource and to receive information in response to the request (See The DISCO Document, Page 2, Section 1, Paragraph 2), a response document based on the resource including an indication of the existence of a discovery document, the discovery document including metadata about the resource (See The DISCO Document, Page 2, Section 1, Paragraph 1), and where the client computer receives the response document including the indication of the discovery document (See The DISCO Document, Page 2, Section 1, Paragraph 2). The DISCO Document does not disclose expressly the inclusion of a server computer including a resource. Newell discloses a server computer that contains a number of secondary pages which include discovery information (See Newell, Page 2, Paragraphs 0029-0030). The DISCO Document and Newell are analogous art because they are from the same field of endeavor of accessing discovery information. At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the server containing resources of Newell with the system of The DISCO Document. The motivation for doing so would have been to store the resource information so that it is accessible to client computers via a network (See Newell, page 2, Paragraph 0029 and Page 3, Paragraph 0042). Therefore, it would have been obvious to combine Newell with The DISCO Document for the benefit of storing the resource information so that it is accessible to client computers via a network to obtain the invention as specified in claim 20.

**As per claim 21**, The DISCO Document and Newell disclose the limitations of claim 20 as described above. The DISCO Document also discloses that the response document includes an XML document and the indication of the existence of the discovery document includes an XML stylesheet processing instruction (See The DISCO Document, Page 3, Section 2, Paragraphs 5-7).

**As per claim 22**, The DISCO Document and Newell disclose the limitations of claim 20 as described above. The DISCO Document also discloses that the response document includes an HTML document and the indication of the existence of the discovery document includes a LINK tag (See The DISCO Document, Page 3, Section 2, Paragraph 2, and Page 2, Section 1, Bullet 3 – sample algorithm).

### ***Response to Arguments***

10. The declaration filed on 7 June 2005 under 37 CFR 1.132 has been considered but is ineffective to overcome the “Draft: Discovery of Web Services (DISCO)”, referred to as “the DISCO document”, reference.

Applicant is hereby directed to MPEP 715.01(c), Section II – Derivation, which states that “when the unclaimed subject matter of a patent, application publication, or other publication is applicant’s own invention, a rejection, which is not a statutory bar, on that that patent or publication may be removed by **submission of evidence** establishing the fact that the patentee, applicant or the published application, or author **derived his or her knowledge of the relevant subject matter from applicant**.”

Moreover applicant must further show that he or she **made the invention upon which the relevant disclosure** in the patent, application publication or other publication is based. *In re Mathews*, 408 F.2d 1393, 161 USPQ 276 (CCPA 1969); *In re Facius*, 408 F.2d 1396, 161 USPQ 294 (CCPA 1960)" (emphasis added).

Applicant fails to provide evidence establishing that the subject matter relied on in the reference was derived from Applicant and was invented by Applicant.

### ***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laurie Ries whose telephone number is (571) 272-4095.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon, can be reached at (571) 272-4136.

13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LR

  
WILLIAM BASHORE  
PRIMARY EXAMINER  
8/9/2005